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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,965	09/26/2003	Eurell Thomas Eubanks	80021	3602

7590 11/21/2005

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EXAMINER

CHAN, SING P

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,965

Applicant(s)

EUBANKS ET AL.

Examiner

Sing P. Chan

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,47-50 and 70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21,47-50 and 70 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/27/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (U.S. 5,891,294) in view of Murphy (GB 2,205,593).

Regarding claims 1 and 3-21, Shih et al discloses a method of blocking stain with a barrier layer, which is a dry film. The method includes applying the film to the stain, which includes coated nail, ink marker, adhesive, pens, wood extractives, asphalt, driveway sealer, primers, shoe polish, or dyes onto a surface such as a floor or wall to prevent stain from diffusing to through the surface covering such as wallpaper. (Col 1, lines 21-26 and Col 2, line 64 to Col 3, line 7) Shih et al is silent as to coating the covering with one or more liquid coating layers. However, coating wallpaper with one or more liquid coating is well known and conventional as shown for example by Murphy. Murphy discloses a method of applying wallpaper. The method includes providing textured wallpaper with 22% woodchips, hanging the wallpaper onto a wall surface and painting the wallpaper surface. (Page 8, lines 6-10)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to paint the wallpaper as disclosed by Murphy in the method of Shih et al to provide a desired decorative effects.

Regarding claim 2, Shih et al as modified above is silent wallpaper includes a release layer and the applying pressure is provided through the release layer. However, providing a release layer for wallpaper is well known and conventional as shown for example by Murphy. Murphy discloses the wallpaper includes two or more plies and includes a parting agent to allow the outer ply, i.e. release layer, to be separated from the base in a dry state, (Page 3, lines 5-32) which inherently pressure would be applied through the outer ply or release layer as the wallpaper is hung or attached to the wall.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a release layer in a multiply wallpaper as disclosed by Murphy in the method of Shih et al to allow for stripping of wallpaper after coating of one or more layers of paint. (See Murphy, Page 2, lines 28-32)

3. Claims 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (U.S. 5,891,294) in view of Murphy (GB 2,205,593) as applied to claim 1 above, and further in view of Kozlowski (U.S. 4,209,865).

Shih et al as modified above is silent as to the pressure is applied by hand, roller, spatula, or blade applicator uniformly across the surface of the wallpaper. However, applying pressure by hand, roller, or blade applicator uniformly across the surface of the wallpaper is well known and conventional as shown for example by Kozlowski.

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Kozlowski discloses the pressure is applied by hand tools such as a squeegee or a roller. (Col 1, lines 11-21)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hand tools such as a squeegee or a roller as disclosed by Kozlowski in the method of Shih et al as modified by Murphy to insure firm adhesion without air bubbles to the wall surface. (See Murphy, Col 1, lines 18-20)

4. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih et al (U.S. 5,891,294) in view of Murphy (GB 2,205,593) as applied to claim 1 above, and further in view of Eida (U.S. 2,614,521).

Shih et al as modified above is silent as to the wallpaper includes feathered edges. However, providing wallpaper with feathered edges is well known and conventional as shown for example by Eida. Eida discloses an apparatus for pasting wallpaper. The apparatus includes a paper cutting knife with cutting teeth and will cut the paper with a serrated edge, i.e. feathered edge. (Col 6, line 74 to Col 7, line 9 and Figure 1)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a cutting knife with cutting teeth, which will provide cut on the wallpaper with a feathered edge as disclosed by Eida in the method of Shih et al as modified by Murphy to allow the wallpaper be cut or torn easily by the user from a pasting apparatus. (See Eida, Col 7, lines 5-9)

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Response to Arguments

5. Applicant's arguments, see Page 7, lines 3-8, filed October 24, 2005, with respect to the rejection(s) of claim(s) 11, 3-21, and 70 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shih et al and Murphy.

After Final

6. The finality of the previous Office action is hereby withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sing P. Chan whose telephone number is 571-272-1225. The examiner can normally be reached on Monday-Thursday 7:30AM-11:00AM and 12:00PM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan Sing B
SPC

ca F
CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER
Au 1734